

**SUPREME COURT MINUTES
MONDAY, SEPTEMBER 8, 1997
SAN FRANCISCO, CALIFORNIA**

The Supreme Court of California convened in the courtroom of the Marathon Plaza Building, 303 Second Street, South Tower, 4th Floor, San Francisco, California, on September 8, 1997, at 9:00 a.m.

Present: Chief Justice Ronald M. George, presiding, and Associate Justices Mosk, Kennard, Baxter, Werdegarr, Chin, and Brown.

Officers present: Brian Clearwater; George Rodgers, Walter Grabowski and Harry Kinney, Bailiffs.

S048396 Branden Bickel et al., Appellants

v.

City of Piedmont et al., Respondents

Cause called. Robert D. Eassa argued for Respondents.

Claudia Cate argued as Pro Per.

No appearance for Appellant Bickel.

Mr. Eassa replied.

Cause submitted.

S054624 Roger D. Moeller, Petitioner

v.

Los Angeles County Superior Court, Respnodent

Sanwa Bank, Real Party in Interest.

Cause called. Kent Richland opened argument for Real Party in Interest.

Andrew S. Garb, appearing for amicus curiae Southern California Trust

Officers Association, continued argument for Real Party in Interest.

Craig M. Lynch argued for Petitioner.

Mr. Richland replied.

Cause submitted.

Justice Baxter, not participating in consideration of the following case, did not take the bench.

The Honorable Patricia Bamattre-Manoukian, Court of Appeal, Sixth District, sitting on the following case under assignment by the Chairperson of the Judicial Council, joined the Court at the bench.

Justice Chin, not participating in consideration of the following case, did not take the bench.

The Honorable Tim S. Buckley, Court of Appeal, Fifth District, sitting on the following case under assignment by the Chairperson of the Judicial Council, joined the Court at the bench.

S047749 Pacific Gas and Electric Company, Appellant
v.
County of Stanislaus et al., Respondents
Cause called. Howard V. Golub opened argument for Appellant.
Thomas Greene, appearing for amicus curiae California Attorney General,
continued argument for Appellant.
Michael H. Krausnick, Stanislaus County Counsel, argued for Respondent.
Mr. Golub replied.
Cause submitted.

Court recessed until 1:30 p.m. this date.

Court reconvened pursuant to recess.

Justice Bamattre-Manoukian, not participating in the following matters,
departs the bench. The Court is joined at the bench by Justice Baxter.

Justice Buckley, not participating in the following matters, departs the bench.
The Court is joined at the bench by Justice Chin.

Members of the Court and Officers present as first shown.

S057369 Wilkie Cheong, Appellant
v.
Drew R. Antablin, Respondent
Cause called. Joshua M. Merliss argued for Appellant.
David S. Ettinger opened argument for Respondent.
Peter J. Koenig, appearing for amicus curiae California Ski Association,
continued argument for Respondent.
Mr. Merliss replied.
Cause submitted.

S057119 Emerson Electric Company et al., Petitioners
v.
Los Angeles County Superior Court, Respondent
William S. Grayson et al., Real Parties in Interest
Cause called. Daniel W. Johnson opened argument for Real Parties in
Interest.
Ian Herzog, appearing for amicus curiae Consumer Attorneys of California,
continued argument for Real Parties in Interest.
Susan J. Williams argued for Petitioner.
Mr. Johnson replied.
Cause submitted.

Court recessed until 9:00 a.m., Tuesday, September 9, 1997.

S063420 Michael Hat, Petitioner
3rd Dist. v.
C027059 San Joaquin County Superior Court, Respondent
Alisha Steves, Real Party in Interest
Pursuant to written request of counsel for petitioner, the above entitled petition
for review is ordered withdrawn.

S063423 Michael Hat, Petitioner

v.

San Joaquin County Superior Court, Respondent

Alisha Steves, Real Party in Interest

Pursuant to written request of counsel for petitioner, the above entitled petition for writ of mandate is ordered withdrawn.

2nd Dist. People, Petitioner

B114954 v.

Div. 2 Los Angeles County Superior Court, Respondent

S064108 Labron D., Real Party in Interest

Application for stay and petition for review DENIED.

S007522 People, Respondent

v.

Daniel Steven Jenkins, Appellant

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's reply brief is extended to and including November 4, 1997.

S061765 Robert M. Ridgley et al., Appellants

v.

Topa Thrift and Loan Association, Appellant

On application of appellants Ridgley and good cause appearing, it is ordered that the time to serve and file appellant's opening brief on the merits is extended to and including September 29, 1997.

No further extensions of time are contemplated.

S010334 People, Respondent

v.

James Robert Scott, Appellant

In the above-entitled matter the court filed its decision on July 14, 1997, because of the following circumstances:

1. The size of the record (the clerk's and reporter's transcripts exceeding 4,000 pages).
2. The necessity to grant appellant, for good cause shown, six extensions of time within which to file the appellant's opening brief, and five extensions of time to file the reply brief.
3. The necessity to grant respondent, for good cause shown, four extensions of time within which to file the respondent's brief.
4. The number and complexity of the issues presented.

4th Dist. City of Hope National Medical Center

E020897 v.

W.C.A.B.

The above-entitled matter, now pending in the Court of Appeal, is transferred to the Court of Appeal, Fourth Appellate District, Division Two is transferred to the Court of Appeal, Second Appellate District.

S062446 In re **Michael Evan Steres** Discipline

It is ordered that **Michael Evan Steres** be suspended from the practice of law for two years, that execution of suspension be stayed, and that he be placed on probation for three years subject to the conditions of probation, including one year actual suspension, recommended by the Hearing Department of the State Bar Court in its Order Regarding Stipulation filed April 30, 1997, as modified by its order filed May 14, 1997. It is further ordered that he comply with rule 955, California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar pursuant to Business and Professions Code section 6086.10 and are payable in accordance with Business and Professions Code section 6140.7 (as amended effective January 1, 1997).

*(See Business & Professions Code, § 6126, subd. (c).)

S062448 In re **Enrico Magsino Lainez** Discipline

It is hereby ordered that **Enrico Magsino Lainez** be disbarred from the practice of law and that his name be stricken from the roll of attorneys. He is also ordered to comply with rule 955, California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar.

*(See Business & Professions Code, § 6126, subd. (c).)

S062450 In re **Bruce Michael Leyden** Discipline

It is hereby ordered that **Bruce Michael Leyden** be summarily disbarred from the practice of law and that his name be stricken from the roll of attorneys.

S062559 In re **Jeffrey Hans Leo** Discipline

It is ordered that **Jeffrey Hans Leo** be suspended from the practice of law for four years and until he has shown proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct, that execution of said suspension be stayed, and that he be placed on probation for four years subject to the conditions of probation, including actual suspension for nine months, recommended by the Hearing Department of the State Bar Court in its Order Regarding Stipulation filed May 22, 1997. Credit toward the period of actual suspension shall be given for the period of interim suspension which commenced on September 16, 1994 and terminated on July 7, 1995 (*In re Young* (1989) 49 Cal.3d 257, 270). It is also ordered that he take and pass the Multistate Professional Responsibility Examination administered by the National Conference of Bar Examiners and provide the State Bar Probation Unit with satisfactory proof of his passage of said examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs payable in accordance with Business and Professions Code section 6140.7, as amended effective January 1, 1997, are awarded to the State Bar pursuant to Business and Professions Code section 6086.10.

S062560 In re **Wilson A. Quinley** on Discipline

It is ordered that **Wilson A. Quinley** be suspended from the practice of law for two years, that execution of suspension be stayed, and that he be placed on probation for two years subject to the conditions of probation, including 90 days actual suspension, recommended by the Hearing Department of the State Bar Court in its Order Regarding Stipulation filed May 23, 1997. It is also ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that he comply with rule 955, California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar pursuant to Business and Professions Code section 6086.10 and those costs are payable in accordance with section 6140.7 (as amended effective January 1, 1997).

*(See Business & Professions Code, § 6126, subd. (c).)

S062567 In re **Sheldon M. Kaufman** on Discipline

It is ordered that **Sheldon M. Kaufman** be suspended from the practice of law for two years, that execution of suspension be stayed, and that he be placed on probation for three years subject to the conditions of probation, including 60 days actual suspension, recommended by the Hearing Department of the State Bar Court in its Order Regarding Stipulation filed May 1, 1997, as amended June 11, 1997. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar pursuant to Business and Professions Code section 6086.10 and those costs are payable in accordance with section 6140.7 (as amended effective January 1, 1997).

S062568 In re **Victor Lawhorn** on Discipline

It is ordered that **Victor Lawhorn** be suspended from the practice of law for one year, that execution of suspension be stayed, and that he be placed on probation for two years on condition that he be actually suspended for 30 days. He is also ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Regarding Stipulation filed February 11, 1997. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar pursuant to Business and Professions Code section 6086.10 and those costs are payable in accordance with section 6140.7 (as amended effective January 1, 1997).

S063839 In the Matter of the Resignation of **Donald H. Cohen**
A Member of the State Bar of California

The voluntary resignation of **Donald H. Cohen** as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against him should he hereafter seek reinstatement. It is ordered that he comply with rule 955, California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 60 and 70 days, respectively, after the date this order is filed.* Costs are awarded to the State Bar.

*(See Business & Professions Code, § 6126, subd. (c).)